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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

February 15, 1994

Robert P. Marshall
Horsehead Industries, Inc.
401 Delaware Avenue
Palmerton, PA 18071

RE: Palmerton Zinc Superfund Site

Dear Mr. Marshall:

I am responding to your letter of December 17, 1993 regarding the proposed interim action in Palmerton, Pennsylvania. EPA has reviewed the language you submitted to address our concern that the residents of Palmerton be protected from possible legal actions if they participate in the interim action. We do not feel that your proposed language gives the residents the level of protection that we feel is necessary.

EPA has begun preparations to conduct the interim action using the Hazardous Substances Superfund and expects to seek recovery of costs from Horsehead and the other PRPs at the Site under Section 107 of CERCLA. The response action is expected to start in Palmerton this Spring.

Should Horsehead wish to reconsider its position, we will entertain a proposal to implement EPA's chosen response action as outlined in the draft Administrative Order on Consent sent to you in July 1993. We will also consider an alternate response action should one be advanced, while EPA's response action continues. Once EPA begins response activities in the field, any proposal that has not culminated in a formal agreement will no longer be considered.

Thank you for your continued interest in the response actions in Palmerton. If you have any questions or wish to discuss this further, please contact me at (215) 597-9912.

Sincerely,


Cynthia Nadolski
Sr. Assistant Regional Counsel

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